

Conference Summary

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Chairman
4th District, Oklahoma

National Missile Defense Act H.R. 4

Committee on Armed Services
H.Rept. 106-39

Legislative History:

The House passed H.R. 4 by a vote of 317-105 on March 18, 1999. The Senate passed its version (S. 257) by a vote of 97-3 on March 17, 1999. On May 20, the House approved the Senate-passed version by a vote of 345-71. President Clinton signed the bill (*P.L. 106-38*) into law on July 22, 1999.

Summary:

H.R. 4 declares that it is the policy of the United States to (1) deploy as soon as technologically possible a National Missile Defense (NMD) system capable of defending U.S. territory against limited ballistic missile attack (whether accidental, unauthorized, or deliberate), with funding subject to the annual authorization of appropriations and the annual appropriations of funds for NMD; and (2) seek continued negotiated reductions in Russian nuclear forces.

Background:

In recent years, technologies for ballistic missiles and weapons of mass destruction have proliferated at an alarming rate. Indeed, the threat presented by these technologies, particularly from rogue states such as North Korea and Iran, seems to grow each day. As a result, the 105th Congress established a bipartisan commission, chaired by highly-respected former Secretary of Defense Donald Rumsfeld and commonly known as the “Rumsfeld Commission” to investigate this threat. The bipartisan and unanimous conclusions of the commission, released in July 1998, indicate that the threat posed to the United States by nations seeking to acquire ballistic missiles and weapons of mass destruction is “broader, more mature, and evolving more rapidly than has been reported in estimates and reports by

the intelligence community.” The commission emphasized that the United States might have “little or no warning” before a ballistic missile threat materializes.

The Rumsfeld Commission further concluded that this threat is growing as a result of expanding global access to detailed technical information, the willingness of Russia and China to assist rogue states seeking to develop their own ballistic missiles, and the use of techniques intended to thwart U.S. efforts to assess the status of other nations’ ballistic missile programs. Remarkably, several important events immediately followed the commission’s report, driving home the importance and relevance of its findings.

On July 24, Iran conducted its first flight-test of the *Shahab-3* medium-range ballistic missile, a test that the intelligence community had forecast would not occur for at least another year. Later analysis reveals that Russia and North Korea facilitated this accelerated development effort by providing technological assistance. Further foreign assistance, according to the Rumsfeld Commission, will allow Iran to “to demonstrate an [intercontinental]-range ballistic missile within five years of a decision to proceed.”

Just one month after Iran’s *Shahab-3* missile test, North Korea attempted to place a satellite into orbit with a newly developed version of its *Taepo Dong-1* ballistic missile. This attempt surprised observers, as the modified missile had a flight profile, mission, and range unanticipated by the intelligence community. Of greatest concern, however, was the incorporation of a third stage into the missile design, which intelligence experts estimate will allow the missile to reach portions of the United States, including Alaska and Hawaii. North Korea is also continuing to develop the *Taepo Dong-2* ballistic missile, with an anticipated range of up to 10,000 kilometers—sufficient to reach much of the continental United States. In recent months many reports have circulated about its eminent launch.

With recent developments of espionage by the Chinese at nuclear weapons labs, more attention has been focused on their missile capabilities. The Chinese government is continuing to test its DF-31 road-mobile missile which is capable of carrying a two-and-half megaton warhead. Additionally, of China’s two dozen CSS-4 long range ICBMs that carry five-megaton warheads, at least 13 are targeted on U.S. cities. China is currently developing both land and submarine launched missiles with ranges of around 7,000 miles. These missiles will be capable of hitting targets throughout the continental United States in the near future.

As if to further underscore the accuracy of the Rumsfeld Commission’s report, a December 1998 CIA report to Congress noted that Russia and China continue to be the primary global suppliers of key nuclear, chemical, biological, and ballistic missile technologies. Continued technology transfers of this type will inevitably increase the long-range ballistic missile threat to the United States.

National Missile Defense Policy

The Clinton Administration’s current policy commits the United States to the development—but not *deployment*—of a national missile defense system. Such an approach is predicated on the belief that the United States will have sufficient warning time to deploy a missile defense system as ballistic missile threats emerge. Although the administration proposed additional funding to support a national missile defense deployment in its six-year defense plan, it does not intend to make a deployment decision before June 2000.

Critics of this approach welcomed the administration's acknowledgement that the Rumsfeld Commission had presented a "sobering" report demonstrating that "there is a growing threat and it will pose a danger not only to our troops overseas, but also to Americans here at home." Critics were also heartened by the administration's recognition that additional budget resources were necessary to support deployment of a national missile defense. However, the administration's proposed funding levels for the next six years are still insufficient to implement the president's NMD program, which was intended to allow deployment of a system three years after a decision to do so. Moreover, Secretary Cohen has acknowledged that, under current administration plans, no NMD deployment could occur before 2005.

Considering the pace at which the ballistic missile threats are evolving, current policy leaves the United States increasingly vulnerable to ballistic missile attack. Consequently, supporters of NMD believe that this threat warrants a categorical commitment to the deployment of a national missile defense system, which H.R. 4 establishes as a matter of national policy.

Other Information:

"National Missile Defense: Issues for Congress," *CRS Report IB10034*, June 24, 1999; "China-U. S. Relations," *CRS Report 98018*, July 10, 1999; "National Missile Defense and the ABM Treaty: Overview of Recent Events," *CRS Report RS20062*; "China Ready to Test New Missile," *Washington Times*, June 28, 1999, p.1.



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